

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

PHILLIP ELMORE,

Petitioner, : Case No. 1:07-cv-776

- vs -

District Judge Sandra S. Beckwith
Magistrate Judge Michael R. Merz

MARC C. HOUK, Warden,

Respondent.

ORDER DISSOLVING STAY

On September 25, 2012, on Petitioner's Motion the Court stayed this capital habeas corpus case "pending exhaustion of claims now pending in the Licking County Common Pleas Court and any appeals (Notation Order granting ECF No. 78). The Warden has now advised he Court that on March 23, 2016, the Ohio Supreme Court declined to accept jurisdiction over Petitioner's appeal from the Licking County Court of Appeals. *State v. Elmore*, Case No. 2014-1720, ___ Ohio St. 3d ___ (2016).

Accordingly, the stay herein is DISSOLVED and this case is returned to the active docket. Petitioner's counsel are reminded of their deadline for a motion for protective order of twenty days from today's date (April 13, 2016)(See ECF No. 106).

Counsel for the parties shall confer and file with the Court a proposed schedule for adjudication of this case not later than April 4, 2016. Proposed deadlines from both parties shall be included in the same document. That is, there shall be a jointly filed document, whether or

not there is complete consensus on dates for deadlines.

March 24, 2016.

s/ *Michael R. Merz*
United States Magistrate Judge